

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.5478 OF 2006

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Dated: 20-03-2006

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BETWEEN

Chukka Srinivasa Rao,
S/o. Late Venkateswara Rao,
R/o. Rallakunta Village,
Dwarakathirumala Mandal,
West Godavari District.

...PETITIONER

AND

The District Collector,
West Godavari District,
Eluru and others.

...RESPONDENTS

ORDER:

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Petitioner seeks a Writ of Mandamus to declare the action of the respondents in interfering with his possession and enjoyment of the land to an extent of Ac.5-00 cents in R.S.No.316 of Dorasanipadu village, Dwarakathirumala Mandal, West Godavari District without any notice as illegal and arbitrary.

Learned counsel for the petitioner submits that originally the grand father of the petitioner

purchased an extent of Ac.5-00 cents of land in R.S.No.316 and an extent of Ac.2-00 cents in R.S.No.315 of Dorasanipadu Village vide Registered Sale Deed bearing Document No.344 in the office of the Sub-Registrar, Kamavarapu Kota and his name was also mutated in the revenue records. After his death, petitioner and his family inherited the said property and since then they have been in possession and enjoyment of the same. While so, the respondents 1 to 4 directed the petitioner not to enter the said land as they were going to acquire the said land.

Without expressing any opinion as to whether the petitioner is the lawful owner and possessor of said land in question and whether the said land is assigned land or Government land, the respondents are directed not to dispossess the petitioner from the said land in question without following due procedure prescribed in law, if he is in possession as on today.

The writ petition is accordingly disposed of.

V. ESWARAI AH, J

March 20, 2006

DSK